



January 1999

Proposed Cleanup Plan for Union Pacific Railroad Right-of-Way

Now Available for Public Review

You are invited to comment on proposed actions for addressing mine waste contamination found at various locations along the main line track and sidings of the Union Pacific Railroad's Wallace-Mullan Branch right-of-way. This branch of the railroad extends across the panhandle of northern Idaho from Mullan to Plummer. The proposed cleanup actions will be performed in conjunction with a proposed conversion of the right-of-way to a recreational trail. The trail will be jointly operated by the State of Idaho and the Coeur d'Alene Tribe.

Summary of Cleanup Proposal

The mine waste contamination contains lead and other heavy metals above levels considered protective of human health and the environment. The proposed cleanup actions were evaluated in a document called an Engineering Evaluation/Cost Analysis (EE/CA), in accordance with the federal Superfund law. Copies of the EE/CA and other supporting materials are now available for public review and comment at the locations listed on page 4 of this fact sheet. The preferred cleanup actions for the right-of-way include installing protective asphalt and/or vegetative barriers, removal and disposal/consolidation of selected mine waste contaminated materials and control of access to and use of the right-of-way through signs and educational efforts. Given the variety of conditions and terrain along the right-of-way, the EE/CA document should be consulted directly for details about which cleanup actions are proposed at specific locations.

Your Comments are Important

You are encouraged to comment on the proposed cleanup actions in writing during the public comment period from January 22 through February 22, 1999. **Comments should be sent no later than February 22 to the address listed on the back page of this fact sheet.** You are also encouraged to comment on the use and management of the right-of-way as a recreational trail. See contact information on the back page.

Open Houses

The State of Idaho, the Coeur d'Alene Tribe and the Environmental Protection Agency (EPA) invite you to attend an informational open house to learn more about the trail, its future management and the proposed cleanup. Representatives from these organizations and Union Pacific Railroad will be available to discuss the issues and answer your questions. Written comments will be accepted at the sessions, which will be held:

Tuesday, February 9
5:00 - 8:00 pm
Elks Building
419 Cedar Street
Wallace, Idaho

Wednesday, February 10
5:00 - 8:00 pm
EMT Building
201 Federick Ave.
Harrison, Idaho

Thursday, February 11
5:00 - 8:00 pm
Tribal Community Center
First St. (nr Lakeside Elementary)
Worley, Idaho

Background

The Wallace-Mullan branch of the Union Pacific Railroad (UPRR) was built in the late 1800s to serve the Silver Valley mining industry, and was used to transport ores to and from the mines and processing facilities. Mine tailings and waste rock were used as fill material and rail bed ballast throughout the length of the line. These mine waste materials have concentrations of lead and other heavy metals above levels considered protective of human health and the environment.

Use of the rail line ended in the early 1990's. In 1992, the federal Interstate Commerce Commission (ICC) determined that UPRR could discontinue service on the line. In 1994, the ICC clarified that UPRR could not complete abandonment of the Wallace-Mullan Branch until UPRR consulted with the Idaho Division of Environmental Quality and EPA to ensure compliance with federal laws including the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), also known as the federal Superfund law.

Rail-to-Trail Conversion

Since 1992, UPRR has discussed with various parties the possibility of the right-of-way being converted to non-rail use through an application to the Surface Transportation Board (STB), formerly the ICC, for a Certificate of Interim Trail Use. Under such an application, the right-of-way would be transferred to a third party for interim recreation or conservation purposes. The TransContinental Trails Association filed an application for a Certificate of Interim Trail Use (CITU) for the UPRR in 1992. A second application was filed by the Rails-to-Trail Conservancy in 1995. The Rails-to-Trail Conservancy application was denied by the STB on an interim basis pending another application.

The State of Idaho and the Coeur d'Alene Tribe are currently considering a joint arrangement to have a CITU and control of the right-of-way transferred to them. Because by law, a CITU preserves the right-of-way as a potential rail corridor and does not constitute an abandonment of the line, any reversionary interests in the right-of-way property are not affected. Issuance of a CITU will permit implementation of the proposed cleanup action and use of the corridor as a trail.

Settlement Negotiations

In 1991, the Coeur d'Alene Tribe filed suit against Union Pacific Railroad to recover damages to natural resources and clean up costs caused by contamination within the right-of-way. In 1995, the United States and the State of Idaho indicated an intent to make a claim against Union Pacific for natural resource damages and cleanup response costs caused by contamination within the right-of-way.

In an attempt to settle those claims, representatives of the State of Idaho, EPA, U.S. Departments of Justice, Interior, and Agriculture, the Coeur d'Alene Tribe and Union Pacific have been involved in settlement negotiations to address environmental conditions within the right-of-way. These organizations have been working together to develop the Engineering Evaluation/Cost Analysis. These negotiations have also focused on potential conversion of the right-of-way to a multi-use recreational trail; the role that the State of Idaho and the Coeur d'Alene Tribe may have in operation and management of the trail; and how conversion of the right-of-way may facilitate cleanup of mine waste contamination within the right-of-way.

What is an Engineering Evaluation/ Cost Analysis?

Descriptions of alternatives for cleanup actions along the railroad right-of-way are contained in a document called an Engineering Evaluation/Cost Analysis (EE/CA), drafted on behalf of the EPA. The EE/CA analyzes potential cleanup alternatives within the right-of-way which are both protective of human health and the environment and which comply with legal requirements. The objectives of the cleanup actions considered are: 1) to minimize the potential for people to come into contact with the mine waste, and 2) to limit potential environmental transport of contaminants. A human health risk assessment and cost analysis of possible cleanup options are also part of the EE/CA, which should be consulted directly for further detail.

The EE/CA addresses the entire 71.5 mile UPRR main rail line and sidings, but excludes certain areas such as the 7.9 mile section of the line within the Bunker Hill Superfund Study Area which has already been addressed.

Evaluation Criteria

Three criteria were used to evaluate the cleanup alternatives:

- 1) *Effectiveness*: is the alternative protective of public health and the environment, and does it comply with applicable or relevant and appropriate requirements?
- 2) *Implementability*: is the alternative technically and administratively feasible and are the services and materials required for implementation available? and
- 3) *Cost*: what are the capital and operation/maintenance costs?

EPA's Recommended Cleanup Action Alternative

After comparing a variety of possible cleanup alternatives, the following actions are recommended by EPA: protective barriers; removal, disposal and consolidation of contaminated material; and signs, access controls and educational programs. The section below details each of these actions.

Protective Barriers

Protective barriers are proposed where there is a high potential for people to be exposed to contaminated material and a low possibility of future recontamination.

Asphalt Concrete Pavement 10 feet wide with base layer and shoulder caps of clean crushed gravel, is recommended as a barrier for the main line ballast material. The barrier would extend throughout the length of the right-of-way from Mullan to approximately Milepost 30, south of Harrison. This barrier will provide durable containment of the lead-bearing ballast material, as well as a surface suitable for a variety of recreational uses.

Gravel/Vegetated Soil Barriers are recommended in portions of the right-of-way that pass through residential areas, sidings, and road crossings, where the proximity of homes and easy access to the right-of-way would increase the possibility of human exposure. Such barriers are recommended for the functional width of the right-of-way in Mullan, Golconda, Wallace, Silverton, Osburn, Elizabeth Park,

Cataldo, Rose Lake, Lane, Medimont, and Harrison.

The specific choice of material (gravel vs. vegetation) will be consistent with adjacent land uses and the desires of the communities. Protective barriers in residential areas would be extended along the right-of-way for approximately 1,000 feet beyond the last residence in a community. The depth of the barriers would vary between six and 12 inches. Barriers would be installed so that existing drainage is not disrupted and residential driveway access across the right-of-way is maintained.

Gravel/Soil Barriers are recommended in rural portions of the right-of-way where direct access to potentially hazardous areas is likely. Wide, level areas at former siding locations will be developed at intermittent locations along the corridor to provide attractive and clearly marked stopping points between communities. The barriers in these siding areas would extend approximately 1,000 feet and the thickness of such a barrier would be approximately one foot.

Removal, Disposal and Consolidation

Due to the periodic flooding of the Coeur d'Alene River, portions of the right-of-way within the floodplain are contaminated not only with original materials used in construction of the railbed, but with transported sediments containing mine tailings. Because of this broad distribution of contaminated sediments and tailings throughout the floodplain and the potential for future recontamination of the floodplain areas, there would be little benefit to removing contaminated material within these areas of the right-of-way at this time. Future removal of these materials will be evaluated during the Basin-wide Remedial Investigation/Feasibility Study now underway in the Coeur d'Alene Basin.

However, in the section of right-of-way between Harrison and Plummer Junction, the right-of-way is located generally out of the floodplain and largely in upland areas and the ballast material is essentially the only source of contamination.

Removals of ballast materials are recommended in: areas where the highest level of contamination is present; all siding areas throughout the length of the right-of-way from Plummer to Mullan; and all main line areas within the upland areas from Plummer Junction to Harrison.

Concentrates (which have the highest contaminate levels) are found mainly in former loading/unloading zones and will be removed as a first priority cleanup action to eliminate acute exposure risk. Salvage of the existing track and ties in flood-prone areas will be coordinated to limit the amount of time between removal and subsequent response actions for the area.

Contaminated materials removed from the right-of-way will be disposed of in the Central Impoundment Area at the Bunker Hill site during the 1999 construction season and at the Bunker Hill slag pile area during the year 2000 construction season. Such disposal will be subject to closure schedules, waste acceptance criteria and procedures that address community concerns.

Institutional Controls

Controls on use of and access to the right-of-way will be used to reinforce the long term effectiveness of the other proposed cleanup actions. Activities within the right-of-way will be regulated to protect the integrity and protectiveness of the barriers, and a regular program of inspection, maintenance and repair will be implemented as well. If the right-of-way is ultimately converted to a recreational trail, the ownership/jurisdiction of the right-of-way may be placed under a coordinated operating entity making land use controls and procedures more easily accomplished and effective. The State of Idaho and the Coeur d'Alene Tribe are considering an agreement which would allow them to be this operating entity.

Educational Programs will be used to increase public awareness. Training will be provided for workers who routinely come into contact with residual contamination; printed materials will be developed for area residents and potential users; and presentations will be made to the general public.

Signs would be posted at appropriate locations to provide specific warnings to right-of-way users of the potential for exposure to contamination beyond protective barriers and/or in areas adjacent to the barriers.

Fencing/Barricades will be used in some areas to provide a physical barrier against access to potentially hazardous areas, and to restrict access to areas outside of the right-of-way.

Next Steps

All comments received during the comment period will be considered before finalizing the cleanup plans for the right-of-way. The federal, state and tribal entities must continue to attempt to negotiate a final settlement of their legal claims with Union Pacific. The terms of the negotiated settlement will be set forth in a Consent Decree which would be lodged with the federal court and made available for public comment. If the Consent Decree is determined to be acceptable following the public comment period, the parties would ask the Court to approve the settlement.

The State and the Tribe anticipate applying for a Certificate of Interim Trail Use and will cooperate with the Surface Transportation Board in any public review and comment period requirements the STB may have.

Administrative Record and Information Repositories

The complete Administrative Record file, the official record of documents, related to the UPRR cleanup proposal including the EE/CA, is available for review during normal library/business hours at:

North Idaho College Library	EPA Region 10
1000 West Garden Avenue	1200 6th Avenue
Coeur d'Alene, ID 83814	Seattle, WA 98101
(208) 769-3254	(206) 553-4464

Copies of the EE/CA document and an index of other materials contained within the Administrative Record file are available for public review at the following locations:

Mullan City Hall	Wallace Public Library
112 Earl Street	415 River Street
Mullan, Idaho	Wallace, Idaho
(208) 744-1515	(208) 752-4571

U.S. EPA CdA. Field Office
1910 Northwest Blvd, Suite 208
Coeur d'Alene, Idaho
(208) 664-4858 (Call ahead for appointment)

Harrison City Hall	Plummer Public Library
100 Frederick Street	800 "D" Street
Harrison, Idaho	Plummer, Idaho
(208) 689-3212	(208) 686-1812



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Earl Liverman
U.S. EPA CdA. Field Office
1910 Northwest Blvd, Suite 208
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Phil Cernera
Couer d'Alene Tribe
424 Sherman Avenue, Suite 306
Coeur d'Alene, ID 83814
(208) 667-4119

Rick Cummins
Idaho Dept. Parks and Recreation
2750 Kathleen Avenue
Coeur d'Alene, ID 83814
(208) 769-1511

Learn more at Open Houses scheduled for early February--see page 1 for details.

Copies of the EE/CA document are available at a variety of Northern Idaho locations and via the Internet at <http://www.epa.gov/r10earth/> (once there, click on "Events")

Questions? Call EPA at (800) 424-4372, extension 8578

To ensure effective communications with everyone, additional services can be made available to persons with disabilities by contacting EPA at the number listed above.



United States
Environmental Protection
Agency

EPA Region 10
Community Relations and Outreach
1200 Sixth Avenue, ECO-081
Seattle, Washington 98101-1128

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Use of the rail line ended in the early 1990's. In 1992, the federal Interstate Commerce Commission (ICC) determined that UPRR could discontinue service on the line. In 1994, the ICC clarified that UPRR could not complete abandonment of the Wallace-Mullan Branch until UPRR consulted with the Idaho Division of Environmental Quality and EPA to ensure compliance with federal laws including the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), also known as the federal Superfund law.

Rail-to-Trail Conversion

Since 1992, UPRR has discussed with various parties the possibility of the right-of-way being converted to non-rail use through an application to the Surface Transportation Board (STB), formerly the ICC, for a Certificate of Interim Trail Use. Under such an application, the right-of-way would be transferred to a third party for interim recreation or conservation purposes. The TransContinental Trails Association filed an application for a Certificate of Interim Trail Use (CITU) for the UPRR in 1992. A second application was filed by the Rails-to-Trail Conservancy in 1995. The Rails-to-Trail Conservancy application was denied by the STB on an interim basis pending another application.

The State of Idaho and the Coeur d'Alene Tribe are currently considering a joint arrangement to have a CITU and control of the right-of-way transferred to them. Because by law, a CITU preserves the right-of-way as a potential rail corridor and does not constitute an abandonment of the line, any reversionary interests in the right-of-way property are not affected. Issuance of a CITU will permit implementation of the proposed cleanup action and use of the corridor as a trail.

Settlement Negotiations

In 1991, the Coeur d'Alene Tribe filed suit against Union Pacific Railroad to recover damages to natural resources and clean up costs caused by contamination within the right-of-way. In 1995, the United States and the State of Idaho indicated an intent to make a claim against Union Pacific for natural resource damages and cleanup response costs caused by contamination within the right-of-way.

In an attempt to settle those claims, representatives of the State of Idaho, EPA, U.S. Departments of Justice, Interior, and Agriculture, the Coeur d'Alene Tribe and Union Pacific have been involved in settlement negotiations to address environmental conditions within the right-of-way. These organizations have been working together to develop the Engineering Evaluation/Cost Analysis. These negotiations have also focused on potential conversion of the right-of-way to a multi-use recreational trail; the role that the State of Idaho and the Coeur d'Alene Tribe may have in operation and management of the trail; and how conversion of the right-of-way may facilitate cleanup of mine waste contamination within the right-of-way.

What is an Engineering Evaluation/Cost Analysis?

Descriptions of alternatives for cleanup actions along the railroad right-of-way are contained in a document called an Engineering Evaluation/Cost Analysis (EE/CA), drafted on behalf of the EPA. The EE/CA analyzes potential cleanup alternatives within the right-of-way which are both protective of human health and the environment and which comply with legal requirements. The objectives of the cleanup actions considered are: 1) to minimize the potential for people to come into contact with the mine waste, and 2) to limit potential environmental transport of contaminants. A human health risk assessment and cost analysis of possible cleanup options are also part of the EE/CA, which should be consulted directly for further detail.

The EE/CA addresses the entire 71.5 mile UPRR main rail line and sidings, but excludes certain areas such as the 7.9 mile section of the line within the Bunker Hill Superfund Study Area which has already been addressed.

Evaluation Criteria

Three criteria were used to evaluate the cleanup alternatives:

- 1) *Effectiveness*: is the alternative protective of public health and the environment, and does it comply with applicable or relevant and appropriate requirements?
- 2) *Implementability*: is the alternative technically and administratively feasible and are the services and materials required for implementation available? and
- 3) *Cost*: what are the capital and operation/maintenance costs?

EPA's Recommended Cleanup Action Alternative

After comparing a variety of possible cleanup alternatives, the following actions are recommended by EPA: protective barriers; removal, disposal and consolidation of contaminated material; and signs, access controls and educational programs. The section below details each of these actions.

Protective Barriers

Protective barriers are proposed where there is a high potential for people to be exposed to contaminated material and a low possibility of future recontamination.

Asphalt Concrete Pavement 10 feet wide with base layer and shoulder caps of clean crushed gravel, is recommended as a barrier for the main line ballast material. The barrier would extend throughout the length of the right-of-way from Mullan to approximately Milepost 30, south of Harrison. This barrier will provide durable containment of the lead-bearing ballast material, as well as a surface suitable for a variety of recreational uses.

Gravel/Vegetated Soil Barriers are recommended in portions of the right-of-way that pass through residential areas, sidings, and road crossings, where the proximity of homes and easy access to the right-of-way would increase the possibility of human exposure. Such barriers are recommended for the functional width of the right-of-way in Mullan, Golconda, Wallace, Silverton, Osburn, Elizabeth Park,

Cataldo, Rose Lake, Lane, Medimont, and Harrison.

The specific choice of material (gravel vs. vegetation) will be consistent with adjacent land uses and the desires of the communities. Protective barriers in residential areas would be extended along the right-of-way for approximately 1,000 feet beyond the last residence in a community. The depth of the barriers would vary between six and 12 inches. Barriers would be installed so that existing drainage is not disrupted and residential driveway access across the right-of-way is maintained.

Gravel/Soil Barriers are recommended in rural portions of the right-of-way where direct access to potentially hazardous areas is likely. Wide, level areas at former siding locations will be developed at intermittent locations along the corridor to provide attractive and clearly marked stopping points between communities. The barriers in these siding areas would extend approximately 1,000 feet and the thickness of such a barrier would be approximately one foot.

Removal, Disposal and Consolidation

Due to the periodic flooding of the Coeur d'Alene River, portions of the right-of-way within the floodplain are contaminated not only with original materials used in construction of the railbed, but with transported sediments containing mine tailings. Because of this broad distribution of contaminated sediments and tailings throughout the floodplain and the potential for future recontamination of the floodplain areas, there would be little benefit to removing contaminated material within these areas of the right-of-way at this time. Future removal of these materials will be evaluated during the Basin-wide Remedial Investigation/Feasibility Study now underway in the Coeur d'Alene Basin.

However, in the section of right-of-way between Harrison and Plummer Junction, the right-of-way is located generally out of the floodplain and largely in upland areas and the ballast material is essentially the only source of contamination.

Removals of ballast materials are recommended in: areas where the highest level of contamination is present; all siding areas throughout the length of the right-of-way from Plummer to Mullan; and all main line areas within the upland areas from Plummer Junction to Harrison.

Concentrates (which have the highest contaminate levels) are found mainly in former loading/unloading zones and will be removed as a first priority cleanup action to eliminate acute exposure risk. Salvage of the existing track and ties in flood-prone areas will be coordinated to limit the amount of time between removal and subsequent response actions for the area.

Contaminated materials removed from the right-of-way will be disposed of in the Central Impoundment Area at the Bunker Hill site during the 1999 construction season and at the Bunker Hill slag pile area during the year 2000 construction season. Such disposal will be subject to closure schedules, waste acceptance criteria and procedures that address community concerns.

Institutional Controls

Controls on use of and access to the right-of-way will be used to reinforce the long term effectiveness of the other proposed cleanup actions. Activities within the right-of-way will be regulated to protect the integrity and protectiveness of the barriers, and a regular program of inspection, maintenance and repair will be implemented as well. If the right-of-way is ultimately converted to a recreational trail, the ownership/jurisdiction of the right-of-way may be placed under a coordinated operating entity making land use controls and procedures more easily accomplished and effective. The State of Idaho and the Coeur d'Alene Tribe are considering an agreement which would allow them to be this operating entity.

Educational Programs will be used to increase public awareness. Training will be provided for workers who routinely come into contact with residual contamination; printed materials will be developed for area residents and potential users; and presentations will be made to the general public.

Signs would be posted at appropriate locations to provide specific warnings to right-of-way users of the potential for exposure to contamination beyond protective barriers and/or in areas adjacent to the barriers.

Fencing/Barricades will be used in some areas to provide a physical barrier against access to potentially hazardous areas, and to restrict access to areas outside of the right-of-way.

Next Steps

All comments received during the comment period will be considered before finalizing the cleanup plans for the right-of-way. The federal, state and tribal entities must continue to attempt to negotiate a final settlement of their legal claims with Union Pacific. The terms of the negotiated settlement will be set forth in a Consent Decree which would be lodged with the federal court and made available for public comment. If the Consent Decree is determined to be acceptable following the public comment period, the parties would ask the Court to approve the settlement.

The State and the Tribe anticipate applying for a Certificate of Interim Trail Use and will cooperate with the Surface Transportation Board in any public review and comment period requirements the STB may have.

Administrative Record and Information Repositories

The complete Administrative Record file, the official record of documents, related to the UPRR cleanup proposal including the EE/CA, is available for review during normal library/business hours at:

North Idaho College Library	EPA Region 10
1000 West Garden Avenue	1200 6th Avenue
Coeur d'Alene, ID 83814	Seattle, WA 98101
(208) 769-3254	(206) 553-4464

Copies of the EE/CA document and an index of other materials contained within the Administrative Record file are available for public review at the following locations:

Mullan City Hall	Wallace Public Library
112 Earl Street	415 River Street
Mullan, Idaho	Wallace, Idaho
(208) 744-1515	(208) 752-4571

U.S. EPA CdA. Field Office
1910 Northwest Blvd, Suite 208
Coeur d'Alene, Idaho
(208) 664-4858 (Call ahead for appointment)

Harrison City Hall	Plummer Public Library
100 Frederick Street	800 "D" Street
Harrison, Idaho	Plummer, Idaho
(208) 689-3212	(208) 686-1812



We encourage you to comment on the proposed cleanup actions for the Union Pacific Railroad Right-of-Way during the public comment period from January 22 through February 22, 1999.

Comments should be sent no later than February 22 to :

Earl Liverman
U.S. EPA CdA. Field Office
1910 Northwest Blvd, Suite 208
Coeur d'Alene, Idaho 83814

We also encourage you to comment on the use and management of the right-of-way as a recreational trail. These comments should be directed to:

Phil Cernera
Couer d'Alene Tribe
424 Sherman Avenue, Suite 306
Coeur d'Alene, ID 83814
(208) 667-4119

Rick Cummins
Idaho Dept. Parks and Recreation
2750 Kathleen Avenue
Coeur d'Alene, ID 83814
(208) 769-1511

Learn more at Open Houses scheduled for early February--see page 1 for details.

Copies of the EE/CA document are available at a variety of Northern Idaho locations and via the Internet at <http://www.epa.gov/r10earth/> (once there, click on "Events")

Questions? Call EPA at (800) 424-4372, extension 8578

To ensure effective communications with everyone, additional services can be made available to persons with disabilities by contacting EPA at the number listed above.



United States
Environmental Protection
Agency

EPA Region 10
Community Relations and Outreach
1200 Sixth Avenue, ECO-081
Seattle, Washington 98101-1128

PUBLIC COMMENT OPPORTUNITY

*Union Pacific Railroad, Wallace-Mullan Branch
Northern Idaho*